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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DARYL LAMAR BERRY,

10 Petitioner,

11 CASE NO. C18-1763-JLR

12 v.

13 DONALD R. HOLBROOK,

14 Respondent.

15 ORDER DENYING PETITIONER'S
16 HABEAS PETITION

17 The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and
18 Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining
19 record, does hereby find and Order:

20 (1) The Court adopts the Report and Recommendation;
21 (2) Petitioner's habeas petition and this action are DISMISSED as successive;
22 (3) Petitioner's amended in forma pauperis (IFP) application (Dkt. 5) is STRICKEN as
23 moot;
24 (4) The Clerk is directed to update the docket with petitioner's current mailing address;
25 and

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28 ORDER DENYING PETITIONER'S
29 HABEAS PETITION
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1 (5) The Clerk is directed to send copies of this Order to petitioner and to Judge Theiler.
2 DATED this 15 day of ^{March} ~~February~~, 2019. *JLR*

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4 JAMES L. ROBART
5 United States District Judge
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